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**Attorneys for Plaintiff**  
**ROBERT J. DEL ROSARIO**

**FILED**  
DISTRICT COURT OF GUAM  
MAR 23 2006   
**MARY L.M. MORAN**  
**CLERK OF COURT**

**IN THE DISTRICT COURT OF GUAM**

**ROBERT J. DEL ROSARIO,**

**CIVIL CASE NO. 04-00028**

**Plaintiff,**

**vs.**

**SECOND AFFIDAVT  
OF PLAINTIFF'S  
COUNSEL**

**JAPAN AIRLINES INTERNATIONAL  
CO., LTD.,**

**Defendant.**

\_\_\_\_\_/

I, WILLIAM L. GAVRAS, ESQ., counsel for Plaintiff, after being duly sworn state  
as follows:

I inadvertently stated in paragraph 3 of my previous affidavit that:

Defense counsel counter-offered with \$90,000.00. This counter-offer was  
communicated to defense counsel.

Clearly, the reference to "defense counsel" at the end of sentence was not intended and  
was inadvertent. The reference should have been to "plaintiff." What follows is a  
corrected version of the affidavit, and I swear and affirm that the following is true:

**ORIGINAL**

1. Sometime near the early part of February, 2006, Plaintiff's counsel and Plaintiff discussed the possibility of entering negotiations with defense counsel.

Sometime shortly thereafter, defense counsel communicated to the undersigned his desire to negotiate.

2. After that the undersigned again discussed settlement with Plaintiff, both in person and over the phone, and after receiving authorization from the Plaintiff, the undersigned communicated an offer \$200,000.00 to defense counsel.

3. Defense counsel counter-offered with \$90,000.00. This counter-offer was communicated to plaintiff.

4. Plaintiff authorized the undersigned to offer \$175,000.00. The offer was communicated to defense counsel.

5. Defense counsel subsequently accepted the offer of \$175,000.00.

6. Plaintiff, himself, is aware of his option of filing a separate affidavit stating his position regarding facts relevant to establishing or denying the existence of a settlement in this matter. He is aware that the deadline for filing his affidavit is no later than March 15, 2006. The undersigned has met with Plaintiff and Plaintiff is aware that this affidavit is being prepared and will be filed with the Court.


Del Rosario et. al. v. Japan Airlines International, et. al.,  
Affidavit of Counsel  
March, 2006

Plaintiff has not yet seen this affidavit but is aware that the above stated chronology would be provided to the Court. Plaintiff will be contacted by the undersigned in order that this affidavit may be reviewed by him prior to March 15, 2006.

Affiant sayeth naught.

LAW OFFICES OF GORMAN & GAVRAS

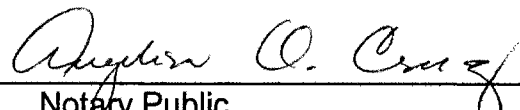
Date: March <sup>22</sup>~~21~~, 2006.

By:   
WILLIAM L. GAVRAS, ESQ.

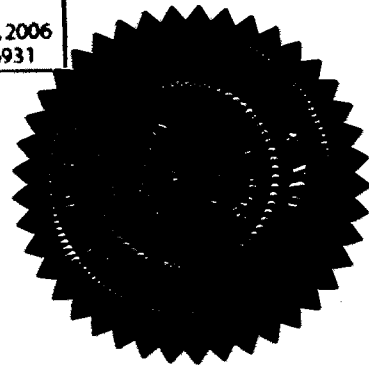
In and for Guam, U.S.A. )

City of Hagatna )

Subscribed and sworn to before me this <sup>22<sup>nd</sup></sup>~~21<sup>st</sup>~~ day of March, 2006 by William L. Gavras.

  
Notary Public

ANGELINA O. CRUZ  
NOTARY PUBLIC  
In and for Guam U.S.A.  
My Commission Expires: August 30, 2006  
P.O. Box 7885 Tamuning, Guam 96931



**CERTIFICATE OF SERVICE**

I certify that I will cause to be served upon Carlsmith Ball LLP a true and correct copy of this document on or before March 23, 2006.

LAW OFFICES OF GORMAN & GAVRAS

Date: March 22, 2006

BY: 

WILLIAM L. GAVRAS, ESQ.  
Attorneys for Plaintiff  
ROBERT DEL ROSARIO